

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: MARY A. GORDON, (SSN XXX-XX-7572) Debtor.	Case No. 3:12-bk-09605 (Chapter 7) Judge Marian F. Harrison
NOTICE OF MOTION OF MARY GORDON TO WITHDRAW UNCLAIMED FUNDS	
THE DEADLINE FOR FILING A TIMELY RESPONSE IS: <u>October 17, 2022</u>	
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE <u>October 25, 2022 at 9:00 a.m. Courtroom Three, 701 Broadway, Nashville, Tennessee 37203</u>	

The movant, Mary A. Gordon, has asked the Bankruptcy Court for the following relief: "Motion of Mary Gordon to Withdraw Unclaimed Funds."

YOUR RIGHTS MAY BE AFFECTED. If you do not want the Bankruptcy Court to approve the attached "Motion of Mary Gordon to Withdraw Unclaimed Funds," or if you want the Bankruptcy Court to consider your views on the application/motion, then on or before October 17, 2022 you or your attorney must:

1. File with the Bankruptcy Court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <<http://ecf.tnmb.uscourts.gov>>**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. **Your response must state that the deadline for filing responses is October 17, 2022, the date of scheduled hearing on October 25, 2022, and the motion to which you are responding.** If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also serve your response or objection **by electronic service through the Electronic Filing system** described above. **You must also mail a copy of your response to:**

Joseph P. Rusnak, Tune, Entrekin & White, P.C., Capitol View, Suite 600, 500 11th Avenue North, Nashville, TN 37203 and any parties indicated on mailing matrix on file with the Bankruptcy Court Clerk.

If a timely response is filed, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at www.tnmb.uscourts.gov. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the Bankruptcy Court may decide that you do not oppose the relief requested in the notice, motion, and proposed order and may enter an order granting that relief.

Date: September 23, 2022

/s/ Joseph P. Rusnak
 Joseph P. Rusnak
 TUNE, ENTREKIN & WHITE, P.C.
 Capitol View, Suite 600
 500 11th Avenue North
 Nashville, TN 37203
Jrusnak@tewlawfirm.com
 (615) 244-2770

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:

MARY A. GORDON,
(SSN XXX-XX-7572)

Debtor.

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)
) Case No. 3:12-bk-09605
) (Chapter 7)
) Judge Marian F. Harrison
)
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)
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RESPONSE DEADLINE: October 17, 2022 HEARING DATE: October 25, 2022; 9:00 a.m. HEARING PLACE: Courtroom Three, Customs House, 701 Broadway, Nashville, Tennessee
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MOTION AND NOTICE TO WITHDRAW UNCLAIMED FUNDS

TO: All Priority Creditors, All Secured Creditors, the twenty (20) largest Unsecured Creditors, the U.S. Trustee and all Parties Requesting Notice.

NOTICE IS HEREBY GIVEN that the debtor, Mary A. Gordon (the "Debtor"), through counsel, moves this Court for an order directing the Clerk to remit to the Debtor the sum of \$236,446.31, which was deposited into the Treasury of the United States as unclaimed funds.

Debtor certifies, under penalty of perjury, that:

- (1) Debtor has conducted a reasonable investigation.
- (2) The money on deposit with the Treasury of the United States is owed to the Debtor.
- (3) The funds sought have not been paid to the Debtor or to any agent on the Debtor's behalf.

- (4) No other motion is pending for recovery of the same unclaimed funds.
- (5) Debtor has complied fully with the requirements of 28 U.S.C. § 2042. Debtor has attached an affidavit that she has retained Joseph P. Rusnak, attorney, to represent her in this proceeding, a copy of her driver's license with photo identification, and a copy of the Trustee's Report of Unclaimed Funds.
- (6) At the time of the Trustee's final report, the Debtor's listed address was P. O. Box 281726, Nashville, TN 37228. This was the address the Trustee properly utilized to mail the funds. However, approximately four years ago, the Debtor moved from Nashville, Tennessee to Montevallo, Alabama and closed P.O. Box 281726, Nashville, TN 37228. When she moved, she failed to notify the Trustee and the Court of her new address.

Dated: September 23, 2022.

Respectfully submitted,

/s/ Joseph P. Rusnak
Joseph P. Rusnak
TUNE, ENTREKIN & WHITE, P.C.
Capitol View, Suite 600
500 11th Avenue North
Nashville, TN 37203
(615) 244-2770 Voice
(615) 244-2778 Fax
Jrusnak@tewlawfirm.com

Attorneys for the Debtor

Certificate of Service

The undersigned hereby certifies that a true and exact copy of the foregoing "Motion and Notice to Withdraw Unclaimed Funds" and proposed order has been served upon the following and upon all priority creditors, all secured creditors, the twenty (20) largest unsecured creditors, the U.S. Trustee and all parties requesting notice as evidenced by the attached matrix by mailing same to the office of said parties by United States mail with sufficient postage thereon to carry the same to its destination.

U.S. Trustee
318 Customs House
701 Broadway
Nashville, TN 37203

Office of the United States Attorney
Middle District of Tennessee
110 9th Avenue South, Suite A-961
Nashville, TN 37203

T. Larry Edmondson, Trustee
5213 Shenendoah Ct.
Nashville, TN 37220

Dated: September 23, 2022.

/s/ Joseph P. Rusnak
Joseph P. Rusnak

xc: Mrs. Mary Gordon